

1 DAVID LOY, Cal. Bar No. 229235
ANN CAPPETTA, Cal. Bar No. 354079
2 FIRST AMENDMENT COALITION
534 4th Street, Suite B, San Rafael, CA 94901-3334
3 Telephone: 415.460.5060
Email: dloy@firstamendmentcoalition.org;
4 acappetta@firstamendmentcoalition.org

5 Attorneys for Plaintiff JOSE ANTONIO GARCIA

6 MATTHEW D. ZINN (State Bar No. 214587)
AARON M. STANTON (State Bar No. 312530)
7 SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street, San Francisco, California 94102
8 Telephone: 415.552.7272
Facsimile: 415.552.5816
9 Email: Zinn@smwlaw.com
Stanton@smwlaw.com

10 Attorneys for Defendants COUNTY OF ALAMEDA
11 and YESENIA SANCHEZ

12
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
15

16 JOSE ANTONIO GARCIA,

17 Plaintiff,

18 v.

19 COUNTY OF ALAMEDA, and YESENIA
SANCHEZ, Sheriff of Alameda County, in her
20 official capacity,

21 Defendants.

Case No. 3:24-cv-03997-RS

**STIPULATION AND ORDER FOR
STAY PENDING APPEAL**

CMC Date: March 13, 2025

1 Pursuant to Local Rule 7-12, the parties hereby stipulate to, and respectfully request, an
2 order staying this action pending resolution of the Plaintiff's appeal to the United States Court of
3 Appeals for the Ninth Circuit of the Order Denying Plaintiff's Motion for Preliminary Injunction.
4 Order Den. Pl.'s Mot. Prelim. Inj., ECF No. 26.

5 WHEREAS, on July 2, 2024, Plaintiff filed a complaint in this matter, challenging County
6 of Alameda's Ordinance No. 2023-31 ("Ordinance");

7 WHEREAS, on July 23, 2024, Plaintiff filed a motion for preliminary injunction, asking
8 this Court to enjoin the enforcement of the Ordinance against Plaintiff during the pendency of this
9 action;

10 WHEREAS, this Court denied Plaintiff's motion for preliminary injunction on October 11,
11 2024;

12 WHEREAS, Plaintiff timely appealed this Court's denial of his motion for preliminary
13 injunction to the United States Court of Appeals for the Ninth Circuit on November 7, 2024;

14 WHEREAS, although generally "an appeal from an interlocutory order does not divest the
15 trial court of jurisdiction to continue with other phases of the case," *Plotkin v. Pacific Tel. & Tel.*
16 *Co.*, 688 F.2d 1291, 1293 (9th Cir. 1982), this Court retains inherent discretion to issue a stay of
17 proceedings in the interest of judicial economy and conserving the parties' resources. *Landis v. N.*
18 *Am. Co.*, 299 U.S. 248, 254 (1936); *Lockyer v. Mirant Corp.*, 398 F.3d 1098, 1109 (9th Cir. 2005).

19 WHEREAS, no party will be harmed by the issuance of a stay and the Court and all parties
20 will benefit from avoiding the cost and time expenditures inherent in pursuing simultaneous
21 litigation in this Court and the Court of Appeals, given that the questions of law at issue in the
22 appeal are also at issue in this Court;

23 WHEREAS, the parties agree that good cause exists for the issuance of a stay of the
24 proceedings pending appeal.

1 NOW, THEREFORE, the parties hereby stipulate and request that the Court order that:

2 1. Further proceedings in this matter shall be stayed until the Court of Appeals issues
3 its mandate in Plaintiff's appeal of this Court's order denying Plaintiff's motion for preliminary
4 injunction.

5 2. The deadline for Defendants to file a responsive pleading is extended until 30 days
6 after the Court of Appeals issues its mandate in Plaintiffs' interlocutory appeal in this matter.

7 3. The case management conference is continued until 90 days after the Court of
8 Appeals issues its mandate in Plaintiff's interlocutory appeal in this matter.

9 4. All deadlines related to the Case Management Conference are continued
10 accordingly.

11
12 Dated: November 8, 2024

FIRST AMENDMENT COALITION

13 By

/s/ Ann Cappetta

DAVID LOY

ANN CAPPETTA

Attorneys for Plaintiff

JOSE ANTONIO GARCIA

14
15
16
17 Dated: November 8, 2024

SHUTE, MIHALY & WEINBERGER LLP

18 By

/s/ Matthew D. Zinn

MATTHEW D. ZINN

AARON M. STANTON

Attorneys for Defendants

COUNTY OF ALAMEDA and

YESENIA SANCHEZ

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Dated: November 8, 2024

By /s/ Ann Cappetta
DAVID LOY
ANN CAPPETTA
Attorneys for Plaintiff
JOSE ANTONIO GARCIA

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/12/2024



The Hon. Richard Seeborg